IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 1616 of 2005

Between:

Smt. Rangamma W/o.Narayana Chary
R/o.Kothapally Village, Narva Mandal, M'nagar District.

..... PETITIONER

AND

1 The District Collector Mahabubnagar.
2 The Joint Collector, Mahabubnagar.
3 The Revenue Divisional Officer Narayanpet, M'nagar District.
4 The Mandal Revenue Officer, Narva Mahabuibnagar District.
5 Sri Anantha reddy S/o.and age not known
presently F.P.Shop dealer Kothapally Village, Narva Mandal
M'nagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Certiorari and call for the records relating to and connected with the Proceedings of the 1st respondent in No.CSI/744/2004 dt.29.12.2004 and to quash or set aside the same and to pass such other order or orders which are deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondent No.1 TO 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5:MR.B.PAPA REDY

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner was the authorized fair price shop dealer of Kothapally village, Narva Mandal, Mahaboobnagar District. On certain allegations the Revenue Divisional Officer concerned suspended the authorization on 09-07-2004. Aggrieved thereby the petitioner preferred an appeal to the 2nd respondent. The 2nd respondent by the order dated 09-09-2004 suspended the 3rd respondent's order dated 09-07-2004. Aggrieved, the 5th respondent, a temporary authorizee to run the shop during the suspension of the petitioner, preferred an appeal to the 1st respondent. The 1st respondent by the impugned order dated 29-12-2004, in substance, stayed the order of the 2nd respondent dated 09-09-2004. The impugned order however inelegantly reads that the 1st respondent had vacated the stay earlier granted by the 2nd respondent. Such order could not have been passed without affording an opportunity to the petitioner who is an aggrieved person. However, the impugned order also reads that the case is posted for regular hearing on 05-02-2005. Obviously, the 1st respondent-District Collector meant that he was suspending the order of the 2nd respondent granting a stay of the order of the Revenue Divisional Officer suspending the petitioner's authorization and that appeal of the 5th respondent against the order of the Joint Collector is still pending and would be taken up for hearing on 05-02-2005. The petitioner's complaint however is that the 1st respondent failed to take up the substantive appeal of the 5th respondent directed against the 2nd respondent's order dated 09-09-2004 till date, despite having initially posted the appeal for hearing on 05-02-2005.

In the aforesaid circumstances, the writ petition is disposed of directing the 1st respondent to expeditiously and in any event within two (2) weeks from the date of receipt of a copy of this Order, consider and dispose of the 5th respondent's appeal

directed against the order of the 2nd respondent dated 09-09-2004 after affording the petitioner an opportunity of making his submissions against such appeal. In this the 1st respondent shall fail not.

The writ petition is disposed of as above. There shall be no order as to costs.

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GODA RAGHURAM,J

15TH JULY 2005

NOTE:

Issue CC in

Two days.

(B/O)

***TSNR**

To

1 The District Collector Mahabubnagar.
2 The Joint Collector, Mahabubnagar.
3 The Revenue Divisional Officer Narayanpet, M'nagar District.
4 The Mandal Revenue Officer, Narva Mahabuibnagar District.
5 Two CCS to G.P for Civil Supplies, High Court Buildings, Hyderabad(OUT)

6. Two C.D.Copies.